



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,653	11/18/2003	Mack J. Schermer	111453.122 US2	5352
23483	7590	12/29/2006		
WILMER CUTLER PICKERING HALE AND DORR LLP 60 STATE STREET BOSTON, MA 02109			EXAMINER HANDY, DWAYNE K	
			ART UNIT	PAPER NUMBER
			1743	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	12/29/2006	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 12/29/2006.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

teresa.carvalho@wilmerhale.com
tina.dougal@wilmerhale.com
michael.mathewson@wilmerhale.com

C

Office Action Summary	Application No.	Applicant(s)	
	10/715,653	SCHERMER ET AL.	
	Examiner	Art Unit	
	Dwayne K. Handy	1743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 14-23 are rejected under 35 U.S.C. 102(3) as being anticipated by Bienert et al. (6,506,611). Bienert teaches a device for parallel processing a plurality of fluids. The device includes a metering head having a plurality of metering devices that are controlled individually or block-by-block with an activating device. The embodiments of the device most relevant to the instant claims are shown in Figures 5 and 6. Figure 5 shows the dispensers extending through a plurality of holes. Figure 6 shows the block-by-block embodiment that also includes picking needles (251) as the dispenser element. The embodiment from Figure 6 is described in column 11, lines 23-67:

Another variation of the embodiment of the invention shown in FIG. 5 is shown to illustrate the block-by-block activation of metering devices on FIG. 6. FIG. 6 shows a sectional view of a metering station 200 with a partially open depiction of the casing wall. Based on the embodiments described above, the metering station encompasses a matrix of metering devices 250 in the form of picking needles 251. The picking needles 251 form a 16x24 grid corresponding to a 384 microtiter plate. The needles are combined into needle blocks with a grid of 4.times.4 needles. Block formation is provided by a block device 600 that

Art Unit: 1743

encompasses a block frame 602 with accompanying activating element 601 for each block. The block frames 602 have the same function as the aforementioned plate element 502, and are intended to impart the force exerted by the activating element 601 to all needles belonging to a block simultaneously. The block frames each encompass a connecting rack, to which the metering devices belonging to a block are attached. The picking needles are each mounted with two springs, namely with a restoring spring 603 for the block frames 602 (or connecting rack) and a compensating spring 604 for the picking needles. The compensating springs 604 offset the minimal height differences between the picking needles as they are placed on a substrate. To this end, the metering devices are mounted on the block frame over the compensating springs 604 in such a way that they can shift in an axial direction. **The needle blocks can be transferred individually from a basic position (1) into a lowered position (2) by activating the element 601. The activating element 601 can be a pneumatic cylinder or an electric lifting magnet. The mentioned 384 grid has a total of 24 needle blocks. This block formation can be adapted to the shape of the respective target as a function of application, wherein the 4x4 sub-grid is suitable in particular for the ensuing metering or sample manipulation processes. The activating element 601 can also encompass a group of actuating needles of the needle matrix described above corresponding to the group of activated metering devices.** Hence, the block arrangement 200 can be provided as an exchangeable module of a metering station, similarly to the replaceable carrier plate described above.

Response to Arguments

3. Applicant's arguments, filed 10/2/06, with respect to the rejection(s) of claim(s) 14-21 under Feygin and/or Rose have been fully considered and are persuasive. The Examiner agrees with Applicant the neither Feygin nor Rose teach a printhead having a plurality of pins arranged in subsets of two or more pins and a plurality of pinlifting mechanisms such that each pin lifting mechanism is associated with a different subset and configured to lift the pins of the subset together. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Bienert et al. (6,506,611).


Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwayne K. Handy whose telephone number is (571)-272-1259. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (571)-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DKH
December 21, 2006


Jill Warden
Supervisory Patent Examiner
Technology Center 1700